

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES

CP 91-4.01 **Guidelines for Commercial Vending and Fundraising
Activities in City Parks**

Adopted May 3, 1982

Affirmed October 7, 1991

Revised April 17, 1995

Revised November 17, 1997

Revised June 19, 2000

Revised January 22, 2002

Revised March 21, 2005

Revised December 1, 2008

Revised December 19, 2011

4.01.010 **Purpose**

To establish a policy regarding the use of City Parks for personal or organizational financial gain.

4.01.020 **Goals**

Provide a venue for activities that compliment the public parks and provide a user based revenue source to support it.

4.01.030 **Definitions**

Concession: Undertaking and profiting by a specific activity

Fee: Payment due to the City.

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Public Park: An area of land owned or managed by the City, set aside and maintained by the City, for the recreation and relaxation of the public.

Selling: The transfer of ownership of goods, services or opportunities for participation in exchange for money or items.

4.01.040 Policy

Anytime a City park is used for a venue and money or item donations for the benefit of a person or group, other than the City, is exchanged, or requested for goods, services or the opportunity to participate, this policy will apply.

The benefitting person or group need not be the permit requestor, and the collection of the money or items need not take place on park grounds for this policy to apply. Some examples include: ice cream vendors, concerts where food donations are requested, races with entry fees, raffle tickets sold during a picnic, a donation jar on a display table at a fair, etc.

4.01.041 Issuance of a Permit

- a. A completed and signed Concession Permit application, submitted to the Parks and Recreation Department Administration Building, 1310 SW Avery Park Dr., Corvallis, OR 97333 will be required of anyone wishing to sell any service, goods or opportunity to participate in any public park in the City of Corvallis. A list of items/services to be sold or opportunities to be had and a description of equipment to be used must accompany the application. No permits will be processed without payment of appropriate fees.
- b. In determining whether or not to approve a permit, the City Manager (or designated representative) shall take into consideration the number of such permits for similar concessions already in operation in any one location and the probable positive or negative effect on park users. It is to be understood a permit is not exclusive nor to be construed as a limitation on the City in granting similar rights, privileges, and authority to other persons and the activity or event is not granted an exception to existing City rules, regulations, and ordinances.
- c. The length of the concession activity must be of a limited duration, ranging from a few hours to three months unless Section 4.01.053 applies. The permit shall be immediately revocable by the City Manager

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or designated representative if any portion of the Concession Policy is breached.

4.01.042 Rules and Regulations

- a. The City retains priority use of its facilities and reserves the right to reject all applications for commercial vending or fund-raising activities in the parks. The City further reserves the right to conduct concessions using its own staff or contractors.
- b. The concessioner holds the City harmless from liability for their activity and if there is substantial risk involved, as determined by the City Manager, the concessioner provides a certificate of insurance in accordance with City specifications, listing the City as an additional insured.
- c. Any approved concessioner must agree to abide by all applicable federal, State, and local laws, rules, and regulations.
- d. All concessions must display a valid Corvallis Parks and Recreation Concession Permit when using a park for commercial vending or fund-raising gain.
- e. All concessions involving food must have an approved Benton County Health Department certificate, if applicable.
- f. Any activity or event associated with commercial vending or fund-raising gain in the park must not endanger persons or property or detract from the public's recreational use or aesthetic enjoyment of the park.
- g. The concession must only occur in locations approved by the City Manager or designated representative, and authorized by permit.
- h. Utilities used by or for the benefit of the concessioner shall be paid for by the concessioner at a rate to be determined by the Parks and Recreation Director.

4.01.043 Agreements

An agreement, requiring an action of the City Council, will be used at any time when a request to use the park for commercial vending or fund-raising gain:

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- a. Covers a period in excess of three consecutive months in any calendar year;
- b. The circumstances and/or risks set a precedent; or,
- c. The concession requires an exception to existing rules and regulations.

4.01.044 Permitted and Not Permitted Activities

Examples of profit activities that may be permitted in designated areas of a park include, but are not limited to:

- a. Food/beverages that can be consumed in the park;
- b. Paintings;
- c. Handcrafted art items;
- d. Small carnival games, usually as part of an event; and
- e. Flowers/vegetables/plants.
- f. Footraces

Examples of profit activities that are not permitted in designated areas of a park include, but are not limited to:

- a. garage or rummage sales;
- b. selling used cars or other large equipment.

4.01.050 Review and Update

This Leisure and Culture Activities Policy shall be reviewed every three years by the Parks and Recreation Director and updated as appropriate.